

321.210B Installment agreement.

1. *a.* If a person's fine, penalty, surcharge, or court cost is deemed delinquent as provided in [section 602.8107, subsection 2](#), and the person's driver's license has been suspended pursuant to [section 321.210A](#), or the clerk of the district court has reported the delinquency to the department as required by [section 321.210A](#), the person may execute an installment agreement as defined in [section 602.8107](#) with the county attorney, the county attorney's designee, or the private collection designee under contract with the judicial branch pursuant to [section 602.8107, subsection 5](#), to pay the delinquent amount and the civil penalty assessed in [subsection 7](#) in installments. Prior to execution of the installment agreement, the person shall provide the county attorney, the county attorney's designee, or the private collection designee with a financial statement in order for the parties to the agreement to determine the amount of the installment payments.

b. Cases involving court debt assigned to a county attorney, a county attorney's designee, or the private collection designee shall remain so assigned.

2. If the person enters into an installment agreement with the county attorney or the county attorney's designee, the person shall execute an installment agreement in the county where the fine, penalty, surcharge, or court cost was imposed. If the county where the fine, penalty, surcharge, or court cost was imposed does not have an installment agreement program, the person shall execute an installment agreement in the person's county of residence. If the county of residence does not have an installment agreement program, the person may execute an installment agreement with any county attorney or county attorney's designee.

3. The county attorney, the county attorney's designee, or the private collection designee shall file or give notice of the installment agreement with the clerk of the district court in the county where the fine, penalty, surcharge, or court cost was imposed, within five days of execution of the agreement.

4. Upon receipt of an executed installment agreement and after the first installment payment, the clerk of the district court shall report the receipt of the executed installment agreement to the department of transportation.

5. Upon receipt of the report from the clerk of the district court and payment of the reinstatement fee as provided in [section 321.191](#), the department shall terminate the suspension if the suspension has not yet become effective. If the suspension has become effective, the department shall immediately reinstate the driver's license of the person unless the driver's license of the person is otherwise suspended, revoked, denied, or barred under another provision of law.

6. If a driver's license is reinstated upon receipt of a report of an executed installment agreement the driver shall provide proof of financial responsibility pursuant to [section 321A.17](#), if otherwise required by law.

7. *a.* A civil penalty assessed pursuant to [section 321.218A](#), [321A.32A](#), or [321J.17](#) shall be added to the amount owing under the installment agreement.

b. The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to [section 321.218A](#) or [321A.32A](#) and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state for deposit in the juvenile detention home fund created in [section 232.142](#).

c. The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to [section 321J.17](#) and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state who shall deposit one-half of the money in the separate fund established in [section 915.94](#) and one-half of the money in the general fund of the state.

8. *a.* Except as provided in paragraph "b", upon determination by the county attorney, the county attorney's designee, or the private collection designee that the person is in default, the county attorney, the county attorney's designee, or the private collection designee shall notify the clerk of the district court.

b. (1) If the person is in default and the person provides a new financial statement within fifteen days of the determination made pursuant to paragraph “a” indicating that the person’s financial condition has changed to such an extent that lower installment payments would have been required prior to the execution of the initial installment agreement under [subsection 1](#), the county attorney, the county attorney’s designee, or the private collection designee shall not notify the clerk of the district court, and the person shall not be considered in default. The new installment payments shall be based upon the new financial statement filed in compliance with this subparagraph.

(2) A person making new installment payments after complying with the provisions of subparagraph (1) shall not be considered executing a new installment agreement for purposes of calculating the number of installment agreements a person may execute in a person’s lifetime under [subsection 12](#).

9. The clerk of the district court, upon receipt of a notification of a default from the county attorney, the county attorney’s designee, or the private collection designee, shall report the default to the department of transportation.

10. Upon receipt of a report of a default from the clerk of the district court, the department shall suspend the driver’s license of a person as provided in [section 321.210A](#). For purposes of suspension and reinstatement of the driver’s license of a person in default, the suspension and any subsequent reinstatement shall be considered a suspension pursuant to [section 321.210A](#).

11. If a new fine, penalty, surcharge, or court cost is imposed on a person after the person has executed an installment agreement with the county attorney, the county attorney’s designee, or the private collection designee, and the new fine, penalty, surcharge, or court cost is deemed delinquent as provided in [section 602.8107, subsection 2](#), and the person’s driver’s license has been suspended pursuant to [section 321.210A](#), the person may enter into a second installment agreement with the county attorney, county attorney’s designee, or the private collection designee to pay the delinquent amount and the civil penalty, if assessed, in [subsection 7](#) in installments.

12. A person is eligible to enter into five installment agreements in the person’s lifetime.

13. Except for a civil penalty assessed and collected pursuant to [subsection 7](#), any amount collected under the installment agreement by the county attorney or the county attorney’s designee shall be distributed as provided in [section 602.8107, subsection 4](#), and any amount collected by the private collection designee shall be deposited with the clerk of the district court for distribution under [section 602.8108](#).

2007 Acts, ch 196, §2, 17; 2008 Acts, ch 1018, §23, 31; 2008 Acts, ch 1172, §21; 2015 Acts, ch 138, §91, 161, 162; 2016 Acts, ch 1119, §1 – 4

Referred to in [§321.210A](#), [§321.218A](#), [§321A.32A](#), [§321J.17](#), [§331.756\(5\)\(d\)](#), [§602.8107](#)

Subsections 1, 5, and 8 amended

Subsection 12 stricken and subsections 13 and 14 renumbered as 12 and 13